



**AGENDA**  
**RIO DELL PLANNING COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, JULY 24, 2018 – 6:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

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***WELCOME.....***By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CEREMONIAL MATTERS**

**E. CONSENT CALENDAR**

- 1) 2018/0724.01 - Approve Minutes of the June 26, 2018 Regular Meeting **(ACTION)** 1

**F. PUBLIC PRESENTATIONS**

*This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

**G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS**

- 1) 2018/0724.02 - Adopt Resolution No. PC 130-2018 Approving the Conditional Use Permit (CUP) for Strictly Humboldt for Cannabis Related Activities  
Subject to Conditions of Approval - File No. 205-111-067  
Case No. CCLUO-CUP 18-05 **(ACTION)**

- 2) 2018/0724.03 - Adopt Resolution No. PC 129-2018 Recommending Approval by the City Council of Text Amendments Amending the Neighborhood Center (NC) and Community Commercial (CC) Zones, Sections 17.20.050 and 17.20.060 of the Rio Dell Municipal Code to Allow Residential Uses on Upper Floors of Mixed-Use Buildings(**ACTION**) 61

#### H. STAFF COMMUNICATIONS

#### I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for  
Tuesday, August 28, 2018 at 6:30 p.m.***



**RIO DELL PLANNING COMMISSION  
MINUTES  
JUNE 26, 2018**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:33 p.m.

Present were Commissioners Angeloff, Kemp, Woodall and Planning Commission Alternate Richter. Absent were Commissioners Marks and Strahan (Commissioner Marks arrived at 6:35 p.m.)

Others present were Community Development Director Caldwell and City Clerk Dunham

**CONSENT CALENDAR**

Motion was made by Woodall/Richter to approve the consent calendar including the Minutes of the May 22, 2018 regular meeting. Motion carried 4-0.

**PUBLIC PRESENTATIONS**

None

**SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS**

Resolution No. PC-128-2018 Approving the Conditional Use Permit (CUP) for Humboldt Brand for Cannabis Related Activities Subject to Conditions of Approval  
Community Development Director Caldwell reviewed the staff report recommending approval of an application for a Conditional Use Permit for cannabis related activities at 120 Northwestern Ave, the former Moore Fuel parcel. The application included Volatile and Non-Volatile Manufacturing, Infusion Manufacturing activities, Nursery/Propagation activities, Processing/Packaging, and Distribution in an existing 3,200 square foot building. He added that the application also includes a proposed 2,700 square foot polycarbonate greenhouse. He said that the applicant, Humboldt Brand would be collaborating with HARDCAR who will be providing security, transportation and some distribution services.

He said the applicant is also requesting that C1D1 and C1D2 manufacturing units be allowed as temporary uses as were approved for the Glenn White and Mountain Investments projects however, both of those projects did not have existing buildings on site. As such, staff does not support the requested temporary use. He noted that the applicant does plan to remodel the building including the construction of a 1,200 square foot addition to the northern portion of the building.

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Community Development Director Caldwell pointed out that the applicant submitted a very comprehensive Plan of Operation and provides probably the clearest description of the manufacturing process yet.

He commented that he toured the facility yesterday with Commissioner Woodall and Councilmember Garnes and pointed out that the extraction process isn't what many people think it is. He said the volatile process occurs in a closed booth system and they recapture 99.5% of the butane used and then recycle it for the next process.

He reported that the Glenn White Group is producing oil called THCA, which has no psychoactive properties to it. He said it was a surprise to learn that it takes roughly 7.5 lbs. of cannabis flower to produce 6-8 fluid ounces of oil. Another thing that he didn't realize was that when they take the cannabis out of the vessel, it actually doesn't appear that it has been processed except that the shiny crystals are gone for the most part.

Staff continued with review of the Conditions of Approval including the recommendation for the applicant to install a seven (7) foot black wrought iron or steel security fence around the perimeter of the parcel.

Community Development Director Caldwell noted that all of the required findings to approve the CUP could be made and that public notices were sent out and there were no comments received from the surrounding property owners regarding the proposed project. He said the applicant and the applicant's agents were present to answer any questions.

Commissioner Richter questioned staff's reason for not supporting the applicant's request for temporary operations.

Community Development Director Caldwell explained the applicants requested that C1D1 and C1D2 manufacturing units be allowed as temporary uses and the reason staff is recommending denial is because the subject parcel is developed with a 3,200 square foot building which is somewhat different than the Glenn White or Mountain Investment parcels where they had no existing facilities. He explained that the temporary uses typically run with the building permit, which is 180 days.

Commissioner Richter asked what needs to happen to get the project up and

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running.

Staff indicated that the units are 8' x 20' so they would actually fit inside the existing building.

Commissioner Richter asked for clarification that the units would not be able to be used unless they were installed within the existing building.

Community Development Director Caldwell said that as currently proposed they would not be allowed

Commissioner Richter asked the applicant what they envisioned for the project.

Rueven Sherr (applicant), explained that the reason they requested the temporary uses with the units outside is to allow farmers to bring in their product and at the same time, allow them to do the inside renovations of the building which would take approximately 2-3 months. He noted that at that point, the two units outside would be encased within the building.

Community Development Director Caldwell noted that the units would be located within the proposed 1,200 sq. ft. addition on the northern portion of the building. He said if the Commission chose to allow the temporary use, they would have to have a building permit issued for the interior remodel in order for it to work.

Commissioner Richter supported the idea of the temporary uses with the understanding that no use of the temporary units could occur without issuance of a building permit for the interior remodel.

Discussion continued regarding assurances to make sure the applicant follows through with the project as promised including a possible Performance Bond.

Community Development Director Caldwell reiterated that the temporary use would run with the building permit, which is 180 days. If the project were not completed within that time frame, the applicant would have to come back to the Planning Commission to request an extension.

Commissioner Marks asked if the applicant would be required to connect to the City's water and assume a share of the cost to extend the line.

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Community Development Director Caldwell explained that according to Lon Windburn, Fortuna Fire Protection District, it depends on the volume of flammable materials stored on site. Buildings less than 10,000 sq. ft. are not required to have sprinkler systems but according to the Fire District, if they exceed a certain threshold of storage then they would want a fire hydrant there. He noted that for the temporary use and until such time the water line is extended, they will need to have a wharf hydrant installed which is included in the proposed Conditions of Approval.

The applicant indicated that they currently have an onsite well with storage so the only thing that has to be upgraded is the installation of one or possibly two fire hydrants.

Commissioner Marks questioned the setbacks for propane tanks due to the close proximity of the site to the freeway.

Community Development Director Caldwell explained that setback requirements for propane tanks are from 10 to 25 feet depending on the size of the propane tank except for large commercial tanks, which have increased setbacks.

The applicant noted that the propane tank would be located on the backside of the building away from the freeway.

Commissioner Marks mentioned the proposed greenhouses and questioned those setback requirements.

The applicant indicated that the greenhouses were part of the nursery if they get the permit and that they would not be ready to utilize them this year.

Community Development Director Caldwell noted that there are no building setback requirements in the Industrial Commercial (IC) zone.

Commissioner Woodall expressed concern that building permits are good for 180 days but an applicant can in perpetuity just keep coming in for extensions and never complete a project.

Community Development Director Caldwell explained that they must call for inspection within the 180 days and if not, there are grounds to revoke the permit.



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He said they must show that they are making reasonable progress and that it is really up to the jurisdiction as to what is "reasonable." He said if it becomes questionable, staff would bring it back to the Commission for determination.

Community Development Director Caldwell said he wasn't sure how extensive the interior improvements were going to be and because the improvements need to be completed before moving the units inside, had no objection to the Commission allowing the temporary uses as proposed.

Commissioner Angeloff asked how long it would take to get the units here and what the timeframe is for the interior improvements and getting the units inside.

The applicant noted the units would be here in 30-60 days and completion of the interior improvements would depend on the contractor's schedule.

Commissioner Angeloff asked the applicants if they were comfortable with the 6-month timeline; the response was that they were.

Commissioner Marks asked if the improvements would trigger design review.

Community Development Director Caldwell noted that improvements to the exterior portion of the building would trigger design review.

Aleida Gerena-Rios, the applicant's agent from A.G.R. Multi Services, LLC commented that they will be installing the same façade as the Glenn White Group and would also be incorporating some landscaping improvements into the plan.

Commissioner Woodall referred to Condition of Approval (2) related to security cameras and "720 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission." She asked if there is something that identifies what that format is.

Community Development Director Caldwell explained that everything now is digital video and burned to a thumb drive.

Aleida noted that HARDCAR would be doing the surveillance of the site and maintaining three (3) months of video storage.

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Discussion continued regarding the wrought iron fence requirement.

Rueven Sherr asked if wrought iron fence was necessary to be installed around the entire perimeter of the parcel. He also noted that they would be installing block barriers every four (4) feet for safety purposes and added security.

Community Development Director Caldwell stated that the parcel is somewhat unique and overgrown along the back portion with an existing Caltrans cyclone fence for security. He said the Commission might want to consider conditioning the project to require a wrought iron or steel security fence only along the front portion along Highway 101 and along the access road between their parcel and Glen White's parcel, which would be the most visible elements of the fence. He drew the Commission's attention to the site plan under Attachment 2 of the staff report and noted that the overgrown area along the back could be problematic, as Caltrans may not want people out there maintaining the fence because of potential liability. He said that staff would not be opposed to just requiring the wrought iron fence along the front half of the west side and the south side along the access road to the back of the building.

Commissioner Marks commented that some of the other developers were required to use black vinyl coated chain link fence as a substitute.

Community Development Director Caldwell explained that the projects that front on the east side of Northwestern Avenue are required to have wrought iron fencing but the fences that take off from there, are allowed to be black vinyl coated chain link fencing.

Commissioner Woodall asked if the black vinyl fence would be required along the back of the parcel.

Community Development Director Caldwell stated that nothing would be along the back other than the existing Caltrans cyclone fence at this time. He reminded the Commission that they are not doing design review now and suggested the Commission focus on the front of the parcel and when the applicant comes back with design review, to consider additional fencing then.

Commissioner Woodall mentioned something that the State would not allow under the Glen White Group's temporary permit and asked if that was still an issue.

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Community Development Director Caldwell said the State does not allow distribution from temporary facilities and one of Glenn White's temporary units was intended for distribution. He noted that he was in communication with the State about it but nothing has been changed at this time.

Commissioner Angeloff called for public comment on the proposed project.

**Frank Wilson** (Mayor) said he liked what the Commission is doing with these projects noting that this is the fifth cannabis related project to come before the Commission. He commended the Commission for moving things along and staff for doing an excellent job researching the details of these projects. He said that he was impressed with the applicant's proposal and said that it seems they want to do everything above board and set an example for others. He added that he wants to see their project be a success and likes the idea of getting a building permit and having the temporary permit run with that.

Commissioner Angeloff commented that the City encourages medical cannabis research.

Aleida Gerena-Rios pointed out that the applicants have come through with every request that has been made and commended them for their integrity. She commented that their main focus is on the medical portion of the industry and eventually they will expand to the recreational side of it.

Commissioner Angeloff disclosed that he did some archeological work and received payment from some of the farmers associated with Humboldt Brand but had no financial gain from these folks. He offered to abstain from vote on the proposed project if the Commission felt it was appropriate. The Commissioners saw no reason for Commissioner Angeloff to recuse himself regarding this matter.

Motion was made by Angeloff/Kemp to approve Resolution No. PC 128-2018 approving the Conditional Use Permit (CUP) for Humboldt Brand for cannabis related activities subject to Conditions of Approval as revised to allow for a C1D1 and C1D2 temporary unit outside the existing building imposing the same temporary conditions as approved for Mountain Investments, and to require that the applicant fortify the metal wall of the building along Northwestern Avenue. Motion carried 5-0.

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**STAFF COMMUNICATIONS**

Community Development Director Caldwell announced the date for the next regular Planning Commission meeting on July 24, 2018 and said staff anticipated having on the agenda, the Design Review for Humboldt Brand on the building addition and a couple of clean-up ordinance amendments to the Commercial zoning. He noted that staff is in the process of updating the Housing Element and one of the goals in the last update was to expand residential opportunities in commercial zones.

**ADJOURNMENT**

Motion was made by Richter/Woodall to the meeting at 7:20 p.m. to the July 24, 2018 regular meeting on carried 5-0.

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Nick Angeloff, Chair

Attest:

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Karen Dunham, City Clerk




675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532




**For Meeting of: July 24, 2018**

☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: July 19, 2018

Subject: Strictly Humboldt Cannabis Activity Conditional Use Permit  
File No. 205-111-067; Case No. CCLUO-CUP 18-05

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
  - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
  - (b) The proposed use is consistent with the general plan and any applicable specific plan;
  - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 130-2018 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

### **Background**

Strictly Humboldt has made application for a Conditional Use Permit for cannabis related activities at the former Eel River Sawmill office parcel. The four (4) acre parcel is developed with an existing 5,000+/- square foot building and three greenhouses. Two (2) of the greenhouses are 1,050 square feet each and the third is 2,000 square feet. The applicant is proposing three (3) additional greenhouses of about 2,000 square feet each. However, based on the size of the parcel, the applicant (parcel) is limited to 5,000 square feet of cultivation.



The three (3) existing greenhouses are currently planted in violation of the City's Commercial Cannabis Ordinance. Apparently there was some miscommunication between the owner and the tenant. The tenant was under the impression that once the \$2,500 application fee was paid that they were allowed to plant the greenhouses. Staff consulted with the Police Chief regarding the planting of the greenhouses in advance of the Planning Commission's approval. The Police Chief felt that since the applicant was upfront with the City regarding the planting and that the plants are nowhere close to being harvested and diverted to the black market, that there was no need to require that the plants be removed and destroyed, given the fact that the project was scheduled for the upcoming Planning Commission meeting. Staff is recommending the following conditions of approval which are directly related to the existing cultivation:

### **Recommended Conditions of Approval for the Current Cultivation Activities**

1. Complete Track and Trace training within two weeks of the Planning Commission's approval.
2. Apply unique identifiers to each of the plants within two weeks of the Planning Commission's approval.

3. Pay the \$2.00 per square foot tax. Based on the three pre-existing greenhouses identified on the submitted site plan, there is a total of 4,100 square feet. Therefore \$8,200 in taxes is due. Payment shall be made within two weeks of the Planning Commission's approval.
4. Pay the Annual Permit fees of \$8,000 (\$4000 for a medical license and \$4000 for the adult license). Payment shall be made within two weeks of the Planning Commission's approval.
5. Obtain a standard Business License, \$64.00 within two weeks of the Planning Commission's approval.
6. Install a water meter and buy into the City system, \$2,500 buy-in and \$200 connection fee or actual cost, which is ever greater within 30 days of the Planning Commission's approval.
7. Fence that portion of the parcel to enclose the greenhouses and existing building with 6 foot black vinyl coated cyclone fencing with a barbed-wire top within 30 days of the Planning Commission's approval.
8. Make application to the State for the cultivation

The applicant is also proposing indoor cultivation, non-volatile manufacturing, processing (drying, trimming and packaging) and distribution. The applicant is proposing **1000?** square feet of indoor cultivation. Based on the size of the indoor cultivation area, a Type 1A State license will be required. The Type 1A, or "specialty indoor," license for indoor cultivation is for grows between 501 and 5,000 square feet of total canopy.

The applicant purposes to manufacture concentrated cannabis **without** the use of any solvents, gasses or pressurized containers. The applicant will utilize a mechanical rosin press. Manufacturing of the product will take place in a designated room within the facility and will be operated on a part time basis due to the availability of raw products.

All cannabis products produced on-site will be processed (drying, trimming and packaging) on-site within the existing building.

### **Required Findings/Staff Analysis**

#### **Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.**

##### **1. Zoning Consistency**

*(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;*



**Land Use:** The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP). The existing building will be used for cannabis activities.

All cannabis applications for the required Conditional Use Permit requires the submittal of a completed application form, evidence of ownership, a Site Plan, a Plan of Operations which is required to include the following:

- A complete project description including the proposed use(s), hours and days of operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.
- The number of daily and/or weekly incoming and outgoing deliveries.
- A Security Plan that addresses the cultivation, storage, processing, manufacturing and testing of any cannabis, including but not limited to video monitoring and commercial alarm systems.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- A description of the storage or use of any solvents, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- A description of any discharge or emissions the operation will generate.
- A description of any noise level increase as a result of the operation.
- A description of the operation's use of public facilities such as roads, water or sewer systems.
- A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

The applicant has submitted the required Plan of Operation (Attachment 1) addressing the above elements.



## **Cultivation**

Again, the application is for up to 5,000 square feet of greenhouse cultivation. There are three existing greenhouses totaling 4,100 square feet. The applicant has not identified the total amount of the proposed indoor cultivation. However, based on the size of the building, the applicant will be limited to a "Specialty Indoor" State license. "Specialty Indoor" is an indoor cultivation site between 501 and 5,000 square feet of total canopy.

### **Performance Standards for all Cultivation Operations:**

Below is a copy of the City's applicable Cultivation Performance Standards for cultivation in the Industrial Commercial (IC) zone.

- The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be in compliance with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).
- Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.
- Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:
  - (i) On-grid power with 42 percent renewable source.
  - (ii) Onsite zero net energy renewable source providing 42 percent of power.
  - (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.
  - (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.

The project has been conditioned to require that applicant to enroll in the County Hazardous Waste program. The applicant has proposed and staff has conditioned the project incorporate carbon filters to eliminate odor discharges to the neighboring parcels. **Please see Exhibit A.**

As the Commission is aware **Recology** does accept and dispose of non-hazardous cannabis waste. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations. The project has been conditioned accordingly. **Please see Exhibit A.**

In addition, although the Plan of Operation indicates that **no** cannabis fertilizers, insecticides or pesticides will be disposed into the on-site wastewater system, staff is recommending that the project be conditioned as such. Only domestic waste will be allowed to enter the on-site wastewater system. **Please see Exhibit A.**

The cultivation aspect of the project as proposed and recommended conditions complies with the City's cultivation regulations.

## Manufacturing

Again the applicant is proposing non-volatile, mechanical manufacturing utilizing a rosin press. A rosin press utilizes heat and pressure to extract oils from cannabis flowers and trim. The State requires a Type 6 license for non-volatile manufacturing. A Type 6 licensee may also conduct infusion operations, or packaging and labeling of its own cannabis products on the licensed premises.



In addition, to the operating protocols in the Plan of Operation, the applicant is required to comply with the following manufacturing performance standards found in Section 17.30.195(12) of the Rio Dell Municipal Code (RDMC).

**Performance Standards for Manufacturing Activities:**

- Compliance with CAL/OSHA, OSHA regulations.
- Compliance with State and local building regulations, including the California Building Code (CBC) and the California Fire Code (CFC).
- A Security Plan that addresses how the following measures shall be implemented or complied with:
  - Entrance to the extraction areas and any cannabis storage areas shall be locked at all times, and under the control of facility staff.
  - Cannabis shall be stored in buildings that are completely enclosed, and in a locked vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.
  - Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the Code.
- Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- Manufacturers of edibles shall comply with the regulations in the California Health and Safety Code, which includes the California Retail Food Code administered by the California Department of Health Services - Food and Drug Branch, California Department of Food and Agriculture and the County Department of Environmental Health.
- Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.



The applicant's Plan of Operation demonstrates compliance with the adopted performance standards. The project is recommended to be conditioned accordingly to ensure compliance. Please refer to Exhibit A.

### **Processing and Distribution**

The project does include processing, packaging and distribution activities for products produced on-site.

The State has packaging and labeling requirements for cannabis products and nonmanufactured cannabis products. "Nonmanufactured cannabis product" means dried flower, shake, leaf, and pre-rolls intended to be sold for use by medical cannabis patients. Below is a copy of the State's packaging and labeling requirements. The labeling and packing requirements for cannabis products, which includes everything except nonmanufactured cannabis products, are virtually the same.

#### **Packaging Cannabis Products for Distribution.**

A package used to contain a cannabis product shall adhere to the following requirements:

- (a) The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;
- (b) The package shall be tamper-evident, which means that the product is packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal; and
- (c) The package shall not imitate any package used for products typically marketed to children.

#### **Labeling Cannabis Products for Distribution.**

Currently the State requires the following labeling requirements shall be implemented within 180 days of licensure, or by December 31, 2018, whichever is sooner:

- (a) Any information required to be listed on a label shall be written in English;
- (b) Label and all required label information shall be unobstructed and conspicuous;
- (c) The label shall be in a text size no less than 6 point font and be in relation to the size of the container; and
- (d) The label shall include the following information:



- (1) The applicable requirements of Section 19347 of Business and Professions Code;
- (2) The net weight of the contents in the package; and
- (3) The unique identifier assigned by the track-and-trace system as required by Section 8402 of this Chapter.

The applicant shall identify the drying, trimming and packaging rooms to be used within the building. All rooms shall meet the light, ventilation and egress requirements of the California Building Code. All rooms shall be kept clean and sanitary. The project has been conditioned accordingly. In addition, the project is recommended to be conditioned to require compliance with the State packaging and labeling regulations. **Please refer to Exhibit A.**

All cannabis products shall be stored in a secure room with restricted access and video monitoring equipment. Again, the project has been conditioned accordingly. **Please refer to Exhibit A.**

### **Security Plan**

Page 9 of the Plan of Operations includes the required Security Plan. The applicant is proposing that the facilities be protected by a solid fence. There is an existing seven (7) foot solid fence along the frontage of the parcel. Staff is recommending that a 6 foot black vinyl coated cyclone fencing with a barbed-wire top be required. This is consistent with other approvals at the HRDBP. One of the reasons for a cyclone fence is so that the Police Department when patrolling the area can see if there is any nefarious activity on-site.

All access points, including gates, doors and windows, are and will be secured with commercial grade locks. In addition, motion lights will be strategically placed throughout the site. The existing structures, including the greenhouse structures are currently alarmed and monitored by Advanced Security. The security alarm is installed to notify the tenants, property owner, as well as the Police if there is a breach of physical barriers.

Security cameras will also be installed throughout the property and within the building at strategic locations. Staff is recommending that the location of the cameras be approved by the Police Department. The project has been conditioned accordingly. **Please see Exhibit A.**

Below is a copy of the City's required security provisions as they apply to the project.

- Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded

documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.

- The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the cannabis facility's security company shall be provided to the City Manager or designee.

Although the Security Plan identifies compliance with the above provisions, staff is recommending they be included as conditions of approval. **Please refer to Exhibit A.**

The State will also require a security plan as well. Below are the State's currently required security plan regulations. The project is conditioned to comply with the State's requirements as well.

**§40200. Security Plan.** Every applicant and licensee shall develop and implement a security plan. At minimum, the security plan shall include a description of the security measures to be taken to:

- (a) Prevent access to the manufacturing premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
  - (1) Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
  - (2) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
  - (3) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
  - (4) Maintaining the premises such that visibility and security monitoring of the premises is possible; and
  - (5) Establishing procedures for the investigation of suspicious activities.

(b) Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:

- (1) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;
  - (2) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
  - (3) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
  - (4) Providing designated areas in which personnel may store and access personal items.
- (c) Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

The submitted Security Plan complies with the City's and the State's security regulations. However, the project is recommended to be conditioned accordingly to ensure compliance. **Please refer to Exhibit A.**

Of course all cannabis activities are subject to the City's Track and Trace program through CalOrigin. In addition, when the State releases their Track and Trace program (METRIC), they will be required to enroll in that program as well. **Attachment 3** includes a Product Intake and Chain of Custody form that the City has developed. Staff is recommending that the use of this form be used as well. The project has been conditioned accordingly. **Please refer to Exhibit A.**

### ***Waste Management***

As previously indicated the Plan of Operations also includes the required Waste Management Plan for the proposed operations. The only waste from the proposed manufacturing process will be spent cannabis flower and trim.

Again, **Recology** does accept and dispose of non-hazardous cannabis waste. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations. The project has been conditioned accordingly. **Please see Exhibit A.**



In addition, although the Plan of Operation indicates that no cannabis fertilizers, insecticides or pesticides will be disposed into the on-site wastewater system, staff is recommending that the project be conditioned as such. Only domestic waste will be allowed to enter the on-site wastewater system. **Please see Exhibit A.**

## **2. General Plan Consistency**

*(b) The proposed use is consistent with the general plan and any applicable specific plan;*

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. All the uses would be considered principally permitted uses if the activities did not involve cannabis.

The proposed uses are consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no goals or policies which would preclude the proposed use in the Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

## **3. Land Use Compatibility**

*(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

There are no residences in the immediate area that would be affected by the proposed project. As the Commission is likely aware the property and the building has been and in fact is being used (existing greenhouses) for cannabis cultivation. The permitting of the application will bring the operation into compliance with State and local regulations.

Based on the recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

## **4. Site Suitability**

*(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;*

According to the Flood Insurance Rate Map (FIRM), the project site is subject to minimal flooding. Any new structures will be subject to FEMA's Flood Requirements and the City Flood Regulations. During the winter months, November 15 through April 15, the greenhouse plastic/polycarbonate shall be removed from the ends to allow flood waters to pass through or

be designed to be flood proofed or designed have the ends collapse due to hydrostatic pressure. The project has been conditioned accordingly. **Please see Exhibit A.**

Of course access to the project site is from Highway 101. In regards to access, the City commissioned a Traffic Impact Study (TIS) with W-Trans out of Santa Rosa. Based on current and future conditions, W-Trans concluded that the access to and from the Business Park is adequate.

However Caltrans has suggested some potential improvements, including the expansion of the left turn pockets (queuing), acceleration and deceleration northbound lanes and southbound staging/merging areas for vehicles exiting the business park. Staff and the stakeholders met with Caltrans representatives at a recent meeting and discussed the recommended improvements and the possibility of extending the cable median/barrier through the intersections to eliminate traffic crossings. Staff has asked that Caltrans identify their preferred improvements, either the changes to the turn pockets, etc. or the installation of a cable median barrier through the intersections. Staff also requested that Caltrans identify a threshold (i.e. number of trips in and out of the Business Park) that would trigger additional improvements.

Any improvement costs will be shared among the developers based on the number of daily trips generated by their uses. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Based on information on file and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

## **5. Public Interest, Health, Safety and Welfare**

*(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;*

Again, any new construction is subject to the California Building Codes, including the California Fire Code, which includes standards to ensure that the buildings are constructed to minimum safety standards. Based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

## **6. California Environmental Quality Act**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based on the Environmental Impact Report (EIR) prepared as part of the annexation of the area into the City which analyzed potential industrial uses and the nature of the project, including the

proposed operating protocols and recommended conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the projects will have a **significant** effect on the environment.

**Attachments:**

Attachment 1: Plan of Operations.

Attachment 2: Site Plan/Floor Plan

Attachment 3: Product Intake and Chain of Custody Form

Attachment 4: Exhibit A, Conditions of Approval.

Attachment 4: Resolution No. PC 130-2018.





## Plan of Operation

### -Proposed Commercial Cannabis Business Activities-

#### Site Location:

The Former Eel River Sawmill Property

Parcel No. 205-111-029, 030, 050 ptns

1053 Northwestern Avenue

Rio Dell, CA 95562

#### Document Prepared By:

Farnorth Resources, LLC.

A Business Development Resource Group

7330 Parkway Drive

San Diego, CA 91942

\*May 23, 2018\*

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\*\*This is a living document. Any and all parts of the following are subject to change if required by state law, local ordinances and/or project feasibility (e.g., greenhouse locations, square footage of cultivation).

## Project Description

The following “Plan of Operation” is provided regarding the property located at 1053 Northwestern Avenue, Rio Dell, Ca 95562 (County of Humboldt) and further identified as **AP No. 205-111-029, 030, 050**.

The commercial cannabis operations proposed at the above location will be implemented in phases as permitting and financing allow. This project will potentially include both indoor cultivation utilizing artificial lighting as well as greenhouse structures utilizing natural or mixed lighting, as allowed by local ordinance. Additionally, future permitted cannabis processing, manufacturing and distribution uses will be implemented pending approval from the City and State.

Currently, the property is zoned Industrial Commercial (IC). The intended project may or may not require a subdivision or change of zoning depending on state laws and local ordinances. There is an existing **Office Structure** (identified as **Office Structure** in the property graphic). The **Office Structure** once served as the former headquarters for the Eel River Sawmill operation. This structure is almost entirely NON-Residential in its design (currently no persons reside on the property). The building is tied to an existing septic tank and leach field (identified as **septic tank access** and **leach field** in the property graphic). The septic system will be strictly limited to disposing human wastes and will NOT be utilized for the disposal of grey water or runoff waste water associated with the cannabis cultivation, production or distribution activities. By-product management will be addressed in detail in the “Waste Management Plan” portion of this document.

Additionally, the proposed uses of this property will include access via State and County maintained roadways. Specifically, Highway US 101 and Northwestern Ave. The use of an access easement (identified as **access easement** in the property graphic) running from the main gate of the business park to the primary access gate (identified as **primary access** on the property graphic) will also be utilized daily. However, initial use will be limited to 3-5 vehicles daily and typically no more than one ingress and one egress onto and off of the property per vehicle, per day.

A water well (identified as **water well** on the property graphic) is located behind the described Office Structure and may be serviced and maintained to provide a water source for the proposed project(s). The property is also serviced by access to a municipal utility water system. If required, the applicant will coordinate with the Fortuna Fire Department regarding the necessity and location of a fire hydrant.

In addition to the property’s Office Structure, there are three pre-existing, permanently established greenhouse structures with a total combined square footage of 4,100 square feet of floor space (**G1, G2, G3** on the property graphic). Due to the permanent and pre-



existing nature of these greenhouse structures, retroactive building permits will be sought after as well. These greenhouse structures are ventilated using silent, solar powered fans and the discharged air will be scrubbed by use of carbon filtration. Further description will be provided under “Odor Control.”

A variance to the 15 ft. setback off of the property line for Greenhouse 3 (**GH3**) may or may not be required. Current setback is approximately 12-16 feet. The adjacent property owner had previously agreed to the location of the greenhouse structure prior to construction.

The proposed project will initially employ 3-8 full time employees or contractors as deemed legally appropriate, as well as security staff. The applicant is planning for future expansion and has a commitment to hiring local workers. This project will typically be staffed from 9am-10pm daily with exceptions being applied for security staff, as well as support staff required for occasional after hour maintenance.

The proposed operation will be conducted year-round; however, the greenhouses will only be utilized as cultivation locations seasonally. The greenhouse structures will be utilized during the spring, summer and fall months (May through October). The proposed project will also be conducted inside the Office Structure in designated rooms using artificial lighting year-round. However, the indoor operating may be discontinued or reduced in size during peak summer season to allow staff to dedicate their time, availability and financial resources to maintain production activities in the greenhouse structures.



**Ariel view of the described property (photo courtesy of Google Earth)**

## Cultivation Process

The intended cultivation methods will include both indoor grown plants using artificial lighting, as well as greenhouses where plants will be grown using natural or mixed lighting.

### I. Greenhouse Method

Cultivation operations are to be conducted in the preexisting greenhouses (**GH1, GH2, GH3**), as well as the proposed greenhouses (**GH4, GH5, GH6**). The combined square footage of all three pre-existing greenhouses is 4,100 sq. ft. The combined square footage of the 3 preexisting greenhouses and the additional proposed greenhouses would be 10,000 sq. ft. This space will be fully utilized for cultivation purposes.

The cultivation will occur using shared planter beds or individual soft sided “smart pots” and will be watered using a drip irrigation method designed to minimize runoff waste water.

The greenhouses will be internally ventilated using silent, solar powered turbine fans. The only sound anticipated from these structures will be minimal and primarily associated with the carbon filtration system that will be located on each end of each greenhouse with the purpose of eliminating any odors associated with the cultivation operation.

Tools and nutrients will be stored in a secure and nearby location further described in the “Product Storage” section of this document.

### II. Indoor Method

Regarding indoor cultivation, the applicant proposes to use the Office Structure as described in the site plan. This building will contain several rooms dedicated to cultivation of cannabis. Plants will be separated and cultivated in various stages of growth. The method will be similar to the greenhouse cultivation. Organic soil will be used as a base and medium for the plants. Soft sided “smart pots,” or shared bed planting, will be utilized for soil retention. Additionally, drip irrigation systems will be in place to minimize water consumption. As with the greenhouse structures, all air moving out of the cultivation area will be filtered using properly maintained carbon filtration systems to eliminate any odor emissions associated with the cultivation activities.

Due to the age of the Office Structure and its previous use as a commercial structure, the applicant is proposing several changes to the facility to bring it into compliance with modern building codes and commonly accepted cultivation practices. In addition to the conditional use permit for cultivation, the applicant will submit several applications for building permits to address the concerns of city staff and building inspectors regarding the use of the facility for commercial cannabis activity. The applicant will have plumbing and electrical systems modernized and inspected prior to any new indoor cultivation activities.



### III. Fertilizers and Pesticides

The applicant and staff will wear personal protective equipment when applying fertilizers and pesticides. This will include at least gloves and face masks which allow for proper ventilation. All plants shall be inspected daily for signs and symptoms of pest infestation, molds, mildews or disease. If a plant shows signs of problems, steps will be taken to correct the problem. The following includes the minimum requirements for the use of products utilized during cultivation activities:

- Products will be labeled properly and applied per the instructions on the label.
- Assess irrigation water, growth media, soils, and plant tissue to enhance plant growth and avoid over-fertilization.
- Utilize pest management strategies that apply pesticides only to the area of need.
- Periodically calibrate pesticide application equipment.
- The applicant shall utilize anti-backflow devices on water supply hoses, and other mixing and loading practices designed to reduce the risk of spills and runoff.
- While working with pesticides, the applicant will read the labels on the bottle and follow application rates/directions as printed on the label, and use personal protective equipment required for the application.
- The applicant shall wash their hands prior to and after working with any pesticides.
- All spent bottles will be taken to appropriate refuse disposal sites.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

### IV. Staff, Parking & Miscellaneous

An estimated 3-6 employees per day will be working on cultivation activities. A total of 22 parking spaces are to be provided on the site plan, with 2 handicap spaces near the entrances of facility (These are identified on the site plan). The Office Structure will contain an ADA bathroom. Public water and PG&E electricity will be provided in the Office Structure, with circuits extending into the greenhouse structures (GH1, GH2, GH3, GH4, GH5, GH6) as permitting allows. The facility will use carbon filtration fans to eliminate any potential odors associated with the cultivation process. All staff will be properly trained by the site manager in the cultivating procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

## Processing

Processing (Trimming) of product will take place in designated rooms within the Office Structure and will be operated on a part time basis due to the availability of products for processing. Processing activities will require an estimated 3-6 employees to be present during the work day. Processing will include the use of a mechanical trimmer. Employees will



be required to monitor quality control and to clean/maintain the machine. The applicant proposes to operate a machine called GreenBroz 420 Commercial Dry Trimmer. By design, it is a flat, rotational box style machine that is patented and manufactured in California by a veteran owned company. Its built with food grade materials and effectively processes cannabis with virtually no sound emissions. Additionally, the machine is designed to capture all waste and by-products and separate them for later processing or inventory management purposes. Carbon filtration will be used to eliminate cannabis odors from this area during the processing of the product. All staff will be properly trained by the site manager in the processing procedures described above, as well as adherence to inspecting, trimming and managing cannabis using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

## Manufacturing Process

The applicant purposes to manufacture concentrated cannabis **without** the use of any solvents, gasses or pressurized containers. Manufacturing of the product will take place in a designated room within the facility and will be operated on a part time basis due to the availability of processable products. Processing activities will require an estimated 3-6 employees to be present during the work day. Activities within the designated room will include using a mechanical rosin press as the extraction method. The extracted cannabis products will then be introduced into the California track and trace system in order to be sold to licensed retailers. All staff will be properly trained by the site manager in the manufacturing procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

## Product Storage

All fertilizers and pesticide products used throughout the cultivation cycles shall be stored in a manner, method, and location that ensures that there is no threat of discharge to waters of the state. A designated room within the facility will serve as the primary storage facility for all fertilizers, pesticides and other regulated products used.

Currently, the applicant does not intent to utilize hazardous materials in amounts requiring Hazardous Materials Businesses Plan (HMBP). However, if the applicant utilizes non-exempt hazardous materials, it will register its hazardous materials with the local agency using Hazardous Materials/Registration form. If needed, the local agency can determine storage and/or use and provide notice of permits, storage or use fees that may apply. Additionally, Material Safety Data Sheets (MSDS) will be available for inspection.

The following serves as minimum requirements for material storage:

- Boxed and bagged materials are to be stored on pallets.
- Storage instructions will be posted in a conspicuous location.
- Materials are to be stored in their original containers along with the original product labels. Illegible labels are to be immediately replaced.
- A sufficient supply of appropriate “spill clean-up materials” will be kept near storage areas.

Cannabis product will be stored in various locations within the facility, and with specific placement. Placement will vary based on product manufacturer’s recommendations. All harvested cannabis will be secured in locked freezers in a designated, internal room within the facility.

Additional chemicals that *may* be used will be stored in an engineered chemical storage box located in a designated storage room in accordance with state and local regulations.

All staff will be properly trained by the site manager in the product storage procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Distribution Process

Product will not be distributed from this location directly for retail *at this time*; however, product packaging and transportation will occur.

Product packaging will abide to State packaging and labeling requirements. Product packages will be vacuumed sealed to guard the product from contamination. Additionally, the package cannot be opened without obvious destruction of the seal. Packaging labels will be printed in legible, large font in English. Labels will be proportionate to the package and adhered on a visible location. All labels shall contain the following:

- Pertinent requirements of Section 19347 of Business and Professions Code.
- Net weight of contents in the package.
- Unique identifier assigned by the track and trace systems.

Packaging of the product will take place within the facility. Packaging activities will involve 3-5 employees to be present during the normal, designated work days.

Once product is packaged, it will then be lawfully transported off of the premises by a state licensed transportation provider and its movements will be documented via the track and trace system according to state law and local ordinance.



All staff will be properly trained by the site manager in the distribution process procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Waste Management Plan

Cultivation related wastes are to be secured and disposed of according to state law and local ordinances. Waste products include soil bags, unusable pots, and any other non-hazardous or non-contaminated materials. No cannabis by-product will be allowed entry to the on-site septic systems and waste water treatment system. This includes by-product from indoor cultivation, processing, and manufacturing. All manufacturing by-products are to be stored in secured waste receptacles, which will be in a secure area. The waste will then be picked up by a certified waste hauler and brought to an approved facility when needed.

All staff will be properly trained by the site manager in the waste management procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Odor Control Plan

The applicant is committed to maintaining a clean and safe workplace for its employees, surrounding businesses, and the general public. The following odor mitigation practices are based on industry-specific best control technologies and management practices. These practices will be implemented at the site to ensure that the facility does not cause odor pollution outside of the premises.

At this time, the best odor control technology for cannabis facilities is carbon filtration. A carbon filter fan system will be installed in the building in order to mitigate odors emitted from activities performed in the facility. During operating hours, all doors and windows are to remain closed, and exhaust fans will run to actively scrub odors from the air before it is discharged from the facility. The filtration system will be inspected by trained staff daily to maintain functioning with no blockages. Filters will be replaced per the manufacturer's recommendations, and records of purchased replacement carbon filters are to be kept on site.

In order to minimize smell and contamination in the facility, materials will be immediately stored in sealed containers. Sealed containers will then be stored in freezers to preserve its current state, as well as provide a secondary containment for odors. At all times, entry doors

of the facility are to remain closed/locked and only open to provide authorized access. All interior doors will remain closed for the purpose of eliminating odor emitting activities.

Discarded plant material will have a designated, sealed disposal container, which will be located within proximity to the extraction process. This container can be stored until it is ready to be discarded at an appropriate refuse site. Final product oils will also be stored in sealed containers. These containers will then be stored in a locked product freezer.

All staff will be properly trained in the odor control procedures described above. Documentation of training shall be properly kept on site. Signage will also be placed within the facility to instruct staff to keep doors closed at all times. The production manager shall implement an equipment maintenance schedule and designate trained staff members to keep up to date on all equipment maintenance.

Records of all preformed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative and engineering controls shall be maintained and kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Site Security Plan

The property will be protected by a solid, fence with commercial grade locks around the perimeter of the site. All access points will be secured with commercial grade locks. These access points include doors, windows, roof and ventilation systems. Windows on the building will be secured from the inside to prevent unauthorized entry. However, in case of an emergency, these windows can be quickly released from the inside. This will be in compliance with all applicable building code provisions.

Motion lights will be mounted around the exterior of the Office Structure and entry points of the property in a way that will illuminate the entire parking lot, access gate and entry doors. All perimeter lighting will be activated by motion activation and manual switches inside of the building. Placement of the lights will be directed towards the center of the property so neighboring properties will not be disturbed.

The existing structures, including the greenhouse structures, are currently alarmed and monitored by Advanced Security. This security alarm system is installed to notify the tenants, the property owner, as well as local police if there is a breach of physical barriers. Safety protocol and procedures will be established in the event alarms are triggered or suspicious activities are reported. A security guard will make random unscheduled foot patrols of the property during non-business hours. Smoke and carbon monoxide alarms are strategically located throughout the existing structure. Placement was determined by the alarm technicians.



Video surveillance will be installed throughout the property. Through the use of video camera placement and monitoring, the applicant will meet or exceed the city's requirements for camera coverage and storage duration of recorded video media. Digital cameras will be installed at the main gate, spaced at intervals around the parking area. Indoor digital cameras will also be installed over doors and sensitive work areas.

Only authorized personnel will be allowed entry onto the premises through the perimeter gates. All employees, suppliers, and/or visitors will need utilize a sign-in/sign-out procedure. Only site managers will have access to a key and alarm code, and will need to be present at the site to allow authorized personnel in. Employees will only be able to access specific work areas within the facility as needed by the site manager.

A track and trace inventory system will be performed by trained personnel to trace all cannabis material from the time it is cultivated and released for transportation by a state licensed transportation provider. All persons in management positions may be subject to background check. Information that the Department of Justice establishes is necessary will be provided.

All staff will be properly trained in the site security procedures described above. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Community Engagement Plan

The applicant's goal is to provide a value beyond tax dollars to the community of Rio Dell. The simplest way this project can bring value to the community is through hiring local employees. Therefore, priority shall be given to job applicants within the city limits of Rio Dell. Additionally, this project requires the constant procurement of cultivation supplies, building materials and construction, plumbing and electrical services. It is the desire of the applicant to pursue the purchase of these materials or services from businesses located within Rio Dell whenever possible.

For community engagement purposes, the property owner (Nathan Titchener) can be contacted directly by the methods listed below regarding the application and development process, or for general information related to the property.

Nathan Titchener  
PO Box 6947  
Eureka CA 95502

Ph: (707) 880-0321  
Email: [strictlyhumboldt@gmail.com](mailto:strictlyhumboldt@gmail.com)

Reference:

Pacific Affiliates, INC. A Consulting Engineering Group. (2018). Plans of Operation (Report No. APN 205-111-069).  
Eureka, CA: Pacific Affiliates, INC. A Consulting Engineering Group.



## Plan of Operation

-Proposed Commercial Cannabis Business Activities-

Site Location:

The Former Eel River Sawmill Property

Parcel No. 205-111-029, 030, 050 ptns

1053 Northwestern Avenue

Rio Dell, CA 95562

Document Prepared By:

Farnorth Resources, LLC.

A Business Development Resource Group

7330 Parkway Drive

San Diego, CA 91942

\*May 23, 2018\*

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Additionally, the proposed uses of this property will include access via State and County maintained roadways. Specifically, Highway US 101 and Northwestern Ave. The use of an access easement (identified as **access easement** in the property graphic) running from the main gate of the business park to the primary access gate (identified as **primary access** on the property graphic) will also be utilized daily. However, initial use will be limited to 3-5 vehicles daily and typically no more than one ingress and one egress onto and off of the property per vehicle, per day.

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**Ariel view of the described property (photo courtesy of Google Earth)**



## Cultivation Process

The intended cultivation methods will include both indoor grown plants using artificial lighting, as well as greenhouses where plants will be grown using natural or mixed lighting.

### I. Greenhouse Method

Cultivation operations are to be conducted in the preexisting greenhouses (**GH1, GH2, GH3**), as well as the proposed greenhouses (**GH4, GH5, GH6**). The combined square footage of all three pre-existing greenhouses is 4,100 sq. ft. The combined square footage of the 3 preexisting greenhouses and the additional proposed greenhouses would be 10,000 sq. ft. This space will be fully utilized for cultivation purposes.

The cultivation will occur using shared planter beds or individual soft sided “smart pots” and will be watered using a drip irrigation method designed to minimize runoff waste water.

The greenhouses will be internally ventilated using silent, solar powered turbine fans. The only sound anticipated from these structures will be minimal and primarily associated with the carbon filtration system that will be located on each end of each greenhouse with the purpose of eliminating any odors associated with the cultivation operation.

Tools and nutrients will be stored in a secure and nearby location further described in the “Product Storage” section of this document.

### II. Indoor Method

Regarding indoor cultivation, the applicant proposes to use the Office Structure as described in the site plan. This building will contain several rooms dedicated to cultivation of cannabis. Plants will be separated and cultivated in various stages of growth. The method will be similar to the greenhouse cultivation. Organic soil will be used as a base and medium for the plants. Soft sided “smart pots,” or shared bed planting, will be utilized for soil retention. Additionally, drip irrigation systems will be in place to minimize water consumption. As with the greenhouse structures, all air moving out of the cultivation area will be filtered using properly maintained carbon filtration systems to eliminate any odor emissions associated with the cultivation activities.

Due to the age of the Office Structure and its previous use as a commercial structure, the applicant is proposing several changes to the facility to bring it into compliance with modern building codes and commonly accepted cultivation practices. In addition to the conditional use permit for cultivation, the applicant will submit several applications for building permits to address the concerns of city staff and building inspectors regarding the use of the facility for commercial cannabis activity. The applicant will have plumbing and electrical systems modernized and inspected prior to any new indoor cultivation activities.

### III. Fertilizers and Pesticides

The applicant and staff will wear personal protective equipment when applying fertilizers and pesticides. This will include at least gloves and face masks which allow for proper ventilation. All plants shall be inspected daily for signs and symptoms of pest infestation, molds, mildews or disease. If a plant shows signs of problems, steps will be taken to correct the problem. The following includes the minimum requirements for the use of products utilized during cultivation activities:

- Products will be labeled properly and applied per the instructions on the label.
- Assess irrigation water, growth media, soils, and plant tissue to enhance plant growth and avoid over-fertilization.
- Utilize pest management strategies that apply pesticides only to the area of need.
- Periodically calibrate pesticide application equipment.
- The applicant shall utilize anti-backflow devices on water supply hoses, and other mixing and loading practices designed to reduce the risk of spills and runoff.
- While working with pesticides, the applicant will read the labels on the bottle and follow application rates/directions as printed on the label, and use personal protective equipment required for the application.
- The applicant shall wash their hands prior to and after working with any pesticides.
- All spent bottles will be taken to appropriate refuse disposal sites.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

### IV. Staff, Parking & Miscellaneous

An estimated 3-6 employees per day will be working on cultivation activities. A total of 22 parking spaces are to be provided on the site plan, with 2 handicap spaces near the entrances of facility (These are identified on the site plan). The Office Structure will contain an ADA bathroom. Public water and PG&E electricity will be provided in the Office Structure, with circuits extending into the greenhouse structures (GH1, GH2, GH3, GH4, GH5, GH6) as permitting allows. The facility will use carbon filtration fans to eliminate any potential odors associated with the cultivation process. All staff will be properly trained by the site manager in the cultivating procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

## Processing

Processing (Trimming) of product will take place in designated rooms within the Office Structure and will be operated on a part time basis due to the availability of products for processing. Processing activities will require an estimated 3-6 employees to be present during the work day. Processing will include the use of a mechanical trimmer. Employees will



be required to monitor quality control and to clean/maintain the machine. The applicant proposes to operate a machine called GreenBroz 420 Commercial Dry Trimmer. By design, it is a flat, rotational box style machine that is patented and manufactured in California by a veteran owned company. Its built with food grade materials and effectively processes cannabis with virtually no sound emissions. Additionally, the machine is designed to capture all waste and by-products and separate them for later processing or inventory management purposes. Carbon filtration will be used to eliminate cannabis odors from this area during the processing of the product. All staff will be properly trained by the site manager in the processing procedures described above, as well as adherence to inspecting, trimming and managing cannabis using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

## Manufacturing Process

The applicant purposes to manufacture concentrated cannabis **without** the use of any solvents, gasses or pressurized containers. Manufacturing of the product will take place in a designated room within the facility and will be operated on a part time basis due to the availability of processable products. Processing activities will require an estimated 3-6 employees to be present during the work day. Activities within the designated room will include using a mechanical rosin press as the extraction method. The extracted cannabis products will then be introduced into the California track and trace system in order to be sold to licensed retailers. All staff will be properly trained by the site manager in the manufacturing procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

## Product Storage

All fertilizers and pesticide products used throughout the cultivation cycles shall be stored in a manner, method, and location that ensures that there is no threat of discharge to waters of the state. A designated room within the facility will serve as the primary storage facility for all fertilizers, pesticides and other regulated products used.

Currently, the applicant does not intent to utilize hazardous materials in amounts requiring Hazardous Materials Businesses Plan (HMBP). However, if the applicant utilizes non-exempt hazardous materials, it will register its hazardous materials with the local agency using Hazardous Materials/Registration form. If needed, the local agency can determine storage and/or use and provide notice of permits, storage or use fees that may apply. Additionally, Material Safety Data Sheets (MSDS) will be available for inspection.

The following serves as minimum requirements for material storage:

- Boxed and bagged materials are to be stored on pallets.
- Storage instructions will be posted in a conspicuous location.
- Materials are to be stored in their original containers along with the original product labels. Illegible labels are to be immediately replaced.
- A sufficient supply of appropriate “spill clean-up materials” will be kept near storage areas.

Cannabis product will be stored in various locations within the facility, and with specific placement. Placement will vary based on product manufacturer’s recommendations. All harvested cannabis will be secured in locked freezers in a designated, internal room within the facility.

Additional chemicals that *may* be used will be stored in an engineered chemical storage box located in a designated storage room in accordance with state and local regulations.

All staff will be properly trained by the site manager in the product storage procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Distribution Process

Product will not be distributed from this location directly for retail *at this time*; however, product packaging and transportation will occur.

Product packaging will abide to State packaging and labeling requirements. Product packages will be vacuumed sealed to guard the product from contamination. Additionally, the package cannot be opened without obvious destruction of the seal. Packaging labels will be printed in legible, large font in English. Labels will be proportionate to the package and adhered on a visible location. All labels shall contain the following:

- Pertinent requirements of Section 19347 of Business and Professions Code.
- Net weight of contents in the package.
- Unique identifier assigned by the track and trace systems.

Packaging of the product will take place within the facility. Packaging activities will involve 3-5 employees to be present during the normal, designated work days.

Once product is packaged, it will then be lawfully transported off of the premises by a state licensed transportation provider and its movements will be documented via the track and trace system according to state law and local ordinance.



All staff will be properly trained by the site manager in the distribution process procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Waste Management Plan

Cultivation related wastes are to be secured and disposed of according to state law and local ordinances. Waste products include soil bags, unusable pots, and any other non-hazardous or non-contaminated materials. No cannabis by-product will be allowed entry to the on-site septic systems and waste water treatment system. This includes by-product from indoor cultivation, processing, and manufacturing. All manufacturing by-products are to be stored in secured waste receptacles, which will be in a secure area. The waste will then be picked up by a certified waste hauler and brought to an approved facility when needed.

All staff will be properly trained by the site manager in the waste management procedures described above, as well as adherence to using adequate sanitation procedures and material handling policies. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Odor Control Plan

The applicant is committed to maintaining a clean and safe workplace for its employees, surrounding businesses, and the general public. The following odor mitigation practices are based on industry-specific best control technologies and management practices. These practices will be implemented at the site to ensure that the facility does not cause odor pollution outside of the premises.

At this time, the best odor control technology for cannabis facilities is carbon filtration. A carbon filter fan system will be installed in the building in order to mitigate odors emitted from activities performed in the facility. During operating hours, all doors and windows are to remain closed, and exhaust fans will run to actively scrub odors from the air before it is discharged from the facility. The filtration system will be inspected by trained staff daily to maintain functioning with no blockages. Filters will be replaced per the manufacturer's recommendations, and records of purchased replacement carbon filters are to be kept on site.

In order to minimize smell and contamination in the facility, materials will be immediately stored in sealed containers. Sealed containers will then be stored in freezers to preserve its current state, as well as provide a secondary containment for odors. At all times, entry doors

of the facility are to remain closed/locked and only open to provide authorized access. All interior doors will remain closed for the purpose of eliminating odor emitting activities.

Discarded plant material will have a designated, sealed disposal container, which will be located within proximity to the extraction process. This container can be stored until it is ready to be discarded at an appropriate refuse site. Final product oils will also be stored in sealed containers. These containers will then be stored in a locked product freezer.

All staff will be properly trained in the odor control procedures described above. Documentation of training shall be properly kept on site. Signage will also be placed within the facility to instruct staff to keep doors closed at all times. The production manager shall implement an equipment maintenance schedule and designate trained staff members to keep up to date on all equipment maintenance.

Records of all preformed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative and engineering controls shall be maintained and kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Site Security Plan

The property will be protected by a solid, fence with commercial grade locks around the perimeter of the site. All access points will be secured with commercial grade locks. These access points include doors, windows, roof and ventilation systems. Windows on the building will be secured from the inside to prevent unauthorized entry. However, in case of an emergency, these windows can be quickly released from the inside. This will be in compliance with all applicable building code provisions.

Motion lights will be mounted around the exterior of the Office Structure and entry points of the property in a way that will illuminate the entire parking lot, access gate and entry doors. All perimeter lighting will be activated by motion activation and manual switches inside of the building. Placement of the lights will be directed towards the center of the property so neighboring properties will not be disturbed.

The existing structures, including the greenhouse structures, are currently alarmed and monitored by Advanced Security. This security alarm system is installed to notify the tenants, the property owner, as well as local police if there is a breach of physical barriers. Safety protocol and procedures will be established in the event alarms are triggered or suspicious activities are reported. A security guard will make random unscheduled foot patrols of the property during non-business hours. Smoke and carbon monoxide alarms are strategically located throughout the existing structure. Placement was determined by the alarm technicians.



Video surveillance will be installed throughout the property. Through the use of video camera placement and monitoring, the applicant will meet or exceed the city's requirements for camera coverage and storage duration of recorded video media. Digital cameras will be installed at the main gate, spaced at intervals around the parking area. Indoor digital cameras will also be installed over doors and sensitive work areas.

Only authorized personnel will be allowed entry onto the premises through the perimeter gates. All employees, suppliers, and/or visitors will need utilize a sign-in/sign-out procedure. Only site managers will have access to a key and alarm code, and will need to be present at the site to allow authorized personnel in. Employees will only be able to access specific work areas within the facility as needed by the site manager.

A track and trace inventory system will be performed by trained personnel to trace all cannabis material from the time it is cultivated and released for transportation by a state licensed transportation provider. All persons in management positions may be subject to background check. Information that the Department of Justice establishes is necessary will be provided.

All staff will be properly trained in the site security procedures described above. Documentation of scheduled and performed training sessions shall be properly kept on site.

(Pacific Affiliates, INC. A Consulting Engineering Group., 2018)

## Community Engagement Plan

The applicant's goal is to provide a value beyond tax dollars to the community of Rio Dell. The simplest way this project can bring value to the community is through hiring local employees. Therefore, priority shall be given to job applicants within the city limits of Rio Dell. Additionally, this project requires the constant procurement of cultivation supplies, building materials and construction, plumbing and electrical services. It is the desire of the applicant to pursue the purchase of these materials or services from businesses located within Rio Dell whenever possible.

For community engagement purposes, the property owner (Nathan Titchener) can be contacted directly by the methods listed below regarding the application and development process, or for general information related to the property.

Nathan Titchener  
PO Box 6947  
Eureka CA 95502

Ph: (707) 880-0321  
Email: [strictlyhumboldt@gmail.com](mailto:strictlyhumboldt@gmail.com)

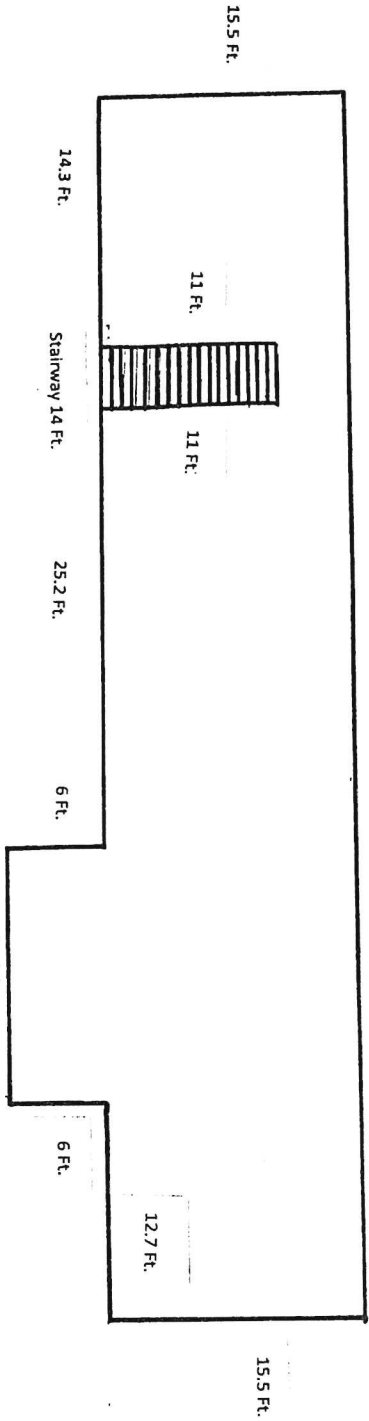
Reference:

Pacific Affiliates, INC. A Consulting Engineering Group. (2018). Plans of Operation (Report No. APN 205-111-069).  
Eureka, CA: Pacific Affiliates, INC. A Consulting Engineering Group.

# 2nd Floor, Righthand Wing (Office Structure)

Cultivation Area / Seasonal Drying Area

71.5 Ft.



Scale: 1 sq/cm = 2 sq/ft.

Total 1,120 Sq/Ft

## 2nd Floor, Righthand Wing (Office Structure)

SCALE	APPROVED BY	DRAWN BY
DATE	REVISED	

DRAWING NUMBER
----------------

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



City of Rio Dell Commercial Cannabis Program  
Operator/Product Information

Operator Information	
Operator	
State License Type	
State License Number	
Intake Information	
Date Received	
Received By	
Weight	
Weighed By	
Weight Verified By	
Packaging Type	
Inventory No.	
Storage Location	
Notes	
Farm Information	
Farm	
Owner	
Farm Location/Address	
County	
APN	
Phone No.	
Email	
County Permit No.	
State Permit No.	
Notes	
Raw Product Information	
Strain	



Manufactured Product Information	
Product Type <sup>3</sup>	
Manufacture Date	
Packaging Date	
Number of Units	
Batch/Lot No.	
Storage Location	
Notes	
Waste Management Information	
Date of Disposal	
Method	
Quantity	
Storage Location	
Date Picked-Up	
Notes	
Distribution Information	
Distributor	
Product Type	
Quantity	
Cost/Price	
Date Shipped	
Destination	
Date Received	
Notes	

<sup>1</sup> Flower, Leaf, Trim, Whole Plant; <sup>2</sup> Outdoor, Greenhouse, Mixed-Light, Indoor;

<sup>3</sup> Live Resin, Topicals, Sublinguals, Edibles, Flowers, Other

Additional Notes/Comments \_\_\_\_\_

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**EXHIBIT A**

**Conditions of Approval**

**Strictly Humboldt Conditional Use Permit**

**File No. 205-111-067; Case No. CUP-CCLUO-18-05**

**Existing Greenhouses/Cultivation**

1. Complete Track and Trace training within two weeks of the Planning Commission's approval.
2. Apply unique identifiers to each of the plants as soon as possible.
3. Pay the \$2.00 per square foot tax. Based on the three pre-existing greenhouses identified on the submitted site plan, there is a total of 4,100 square feet. Therefore \$8,200 in taxes is due. Payment shall be made within two weeks of the Planning Commission's approval.
4. Pay the Annual Permit fees of \$8,000 (\$4000 for a medical license and \$4000 for the adult license). Payment shall be made within two weeks of the Planning Commission's approval.
5. Obtain a standard Business License, \$64.00 within two weeks of the Planning Commission's approval.
6. Install a water meter and buy into the City system, \$2,500 buy-in and \$200 connection fee or actual cost, which is ever greater within 30 days of the Planning Commission's approval.
7. Fence that portion of the parcel to enclose the greenhouses and existing building with 6 foot black vinyl coated cyclone fencing with a barbed-wire top within 30 days of the Planning Commission's approval.
8. Make application to the State for the cultivation.

### **Conditions of Approval – Permanent Facilities**

1. Verification form the Fortuna Fire Protection District indicating no objection to the proposed operations.
2. Security cameras shall be placed to monitor the site and the interiors of the building. The applicant shall submit a site plan and floor plan identifying the locations of the security cameras. In addition, the following measures shall be implemented and maintained.
  - Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.
  - The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the cannabis facility's security company shall be provided to the City Manager or designee.
3. State of California Security Regulations, §40200 of the California Code of Regulations (CCR). Every applicant and licensee shall develop and implement a security plan. At minimum, the security plan shall include a description of the security measures to be taken to:
  - Prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
  - Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
  - Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
  - Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;



- Maintaining the premises such that visibility and security monitoring of the premises is possible; and
- Establishing procedures for the investigation of suspicious activities.
- Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:
- Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;
- Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
- Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
- Providing designated areas in which personnel may store and access personal items.
- Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

4. The applicant shall enroll in the County Hazardous Waste program. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

5. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.

6. The applicant shall participate in the City's Track and Trace program administered by CalOrigin and when available the State's Track and Trace program.

7. The applicant shall utilize and maintain up to date information on the City's Product Intake and Chain of Custody form.



8. The applicant shall submit evidence that the State has issued license(s) for the cultivation, manufacturing, processing and distribution activities.
9. Entrance to the extraction areas and any cannabis or cannabis products storage areas shall be locked at all times, and under the control of facility staff.
10. Cannabis, including cannabis products shall be stored in areas that are completely enclosed, and secured against unauthorized entry or in a locked vault or safe, or other secured storage structure.
11. Any windows and roof hatches of the temporary units that store cannabis or cannabis products shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the Code.
12. Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties.
13. Records Retention. The term record includes: all records, applications, licenses, reports or other supporting documents required by the City and the State. The following information shall be kept on-site be readily available
  - (a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.
  - (b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.
  - (c) All records related to commercial cannabis activity are subject to inspection by the City.
  - (d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.
  - (e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:
    - City and State issued permits and license(s);

- Plan of Operations;
- All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
- Any supporting documentation for data or information input into the track-and-trace system;
- Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
- Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
- Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
- Contracts with other state licensed medical cannabis businesses;
- Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
- Security records; and
- Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

- Records shall be legible; and
- Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

14. A package used to contain a cannabis product shall adhere to the following current State requirements or any changes to State law:

- The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;

- The package shall be tamper-evident, which means that the product is packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal; and
- The package shall not imitate any package used for products typically marketed to children.

15. The following labeling requirements shall be implemented as currently or in the future as required by the State of California:

- Any information required to be listed on a label shall be written in English;
- Label and all required label information shall be unobstructed and conspicuous;
- The label shall be in a text size no less than 6 point font and be in relation to the size of the container; and

16. All labels shall include the following information or information required by the State of California at the time the products are produced.

- The applicable requirements of Section 19347 of Business and Professions Code;
- The net weight of the contents in the package; and
- The unique identifier assigned by the track-and-trace system as required by Section 8402 of the California Code of Regulations (CCR).

17. Community Relations: Each cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.

18. Inspections: Consent to on-site compliance inspections, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

19. All waste and recycling facilities shall be secured and screened to the satisfaction of the Community Development Director.



20. Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

21. Highway 101, Metropolitan Heights and Northwestern Intersection Improvements: Any required improvement costs to the Highway 101 and Metropolitan Heights and Northwestern Intersections will be shared among the developers based on the number of daily trips generated by their uses.

22. All processing and packaging rooms shall meet the light, ventilations and egress requirements of the California Building Code. The applicant shall arrange for an inspection of the facilities.

23. No indoor cultivation shall occur until a licensed electrician has prepared load calculations, inspected and made any necessary repairs to ensure compliance with the California Electrical Code. Any work will require an Electrical Permit. The City Building Inspector shall verify and inspect that the electrical system.

24. Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:

(i) On-grid power with 42 percent renewable source.

(ii) Onsite zero net energy renewable source providing 42 percent of power.

(iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.

(iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

25. During the winter months, November 15 through April 15, the greenhouse plastic/polycarbonate shall be removed from the ends to allow flood waters to pass through or be designed to be flood proofed or designed have the ends collapse due to hydrostatic pressure.

26. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

27. The operations shall comply with all local and State regulations at all times.



28. Any proposed signage shall comply with the City Sign Regulations in effect at the time.

### **Operational Conditions**

1. Only domestic waste is allowed to be discharged into the on-site wastewater system.
2. All outdoor storage materials and equipment shall be screened from public view.
3. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.
4. Any on-site storm drain systems, including any detention/retention basin shall be maintained to ensure it works properly.
5. Any exterior light fixture shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

### **Informational Notes**

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

**RESOLUTION NO. PC 130-2018**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
APPROVING THE STRICTLY HUMBOLDT  
CANNABIS ACTIVITY CONDITIONAL USE PERMIT.**

**WHEREAS** Strictly Humboldt has made application for a Conditional Use Permit for cannabis related activities at the former Eel River Sawmill office parcel; and

**WHEREAS** the four (4) acre parcel is developed with an existing 5,000+/- square foot building and three greenhouses; and

**WHEREAS** Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP); and

**WHEREAS** the Conditional Use Permit (CUP) application is for indoor and up to 5,000 square feet of outdoor (greenhouse), Non-Volatile Manufacturing utilizing Rosin Presses, Processing/Packaging, Distribution in the existing 5,000 sq. ft. building; and

**WHEREAS** the purpose of the Industrial Commercial zone is to provide for industrial and commercial uses; and

**WHEREAS** based on the information submitted and recommended conditions of approval, staff recommends that the proposed uses be found to be consistent with the development standards of the Industrial Commercial (IC) zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 and the Use Permit requirements of Section 17.35.030 of the Rio Dell Municipal Code; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell finds that *as conditioned*:

**WHEREAS** the proposed use is consistent with the general plan and any applicable specific plan; and

**WHEREAS** The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and

**WHEREAS** the site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints

**WHEREAS** granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

**WHEREAS** the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on July 24, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 130-2018 adopted by the Planning Commission of the City of Rio Dell on July 24, 2018.

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Karen Dunham, City Clerk, City of Rio Dell





675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: July 24, 2018

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: July 17, 2018


Subject: A Text Amendment to the Community Commercial (CC) and Neighborhood Center (NC) zones to allow residential uses on the upper floors of mixed use buildings.

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that:
  - (a) The proposed text amendment is consistent with the General Plan; and
  - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 128-2018 recommending approval of the text amendments to the Rio Dell City Council. 

## **Background**

Staff is in the process of updating the City's Housing Element and discovered that Policy A-12 and Legislative Action Item A-2 encourages mixed use development in commercial zones and the necessary amendments to implement the Policy. The Town Center zone does allow residential uses on the upper floors of mixed use buildings. The Community Commercial (CC) and Neighborhood Center (NC) zones do not allow mixed uses.

## **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.

- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

#### **Zone Reclassification Required Finding:**

##### **1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

As indicated above, the Housing Element contains policies and action plans that actually require the City to update the Zoning Regulations to allow residential uses on upper floors of mixed use buildings. In addition, the Land Use Element actually identifies residential uses on upper floors of mixed use buildings as permitted uses. Therefore, the recommended amendments are consistent and compatible with the General Plan.

##### **2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

#### **Attachments:**

1. Resolution No. PC 129-2018 recommending approval of the text amendments to the Rio Dell City Council.



**RESOLUTION NO. PC 129-2018**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF AMENDING THE NEIGHBORHOOD CENTER (NC)  
AND COMMUNITY COMMERCIAL (CC) ZONES, SECTIONS 17.20.050 AND  
17.20.060 OF THE RIO DELL MUNICIPAL CODE TO THE CITY COUNCIL.**

**WHEREAS** Staff is in the process of updating the City's Housing Element; and

**WHEREAS** the current Housing Element contains policies and action plans that require the City to update the Zoning Regulations to allow residential uses on upper floors of mixed use buildings; and

**WHEREAS** the Land Use Element currently identifies residential uses on upper floors of mixed use buildings as permitted uses; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the

CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to Section 17.30.050 of the Rio Dell Municipal Code.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on July 24, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 129-2018 adopted by the Planning Commission of the City of Rio Dell on July 24, 2018.

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Karen Dunham, City Clerk, City of Rio Dell